



Attorney Docket No. 12713.01
Customer No. 37833
Confirmation No. 8675

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PATENT APPLICATION OF:

APPLICANT : H. WAYNE STAFFORD

APPL. NO. : 10/764,445

ART UNIT : 3643

FILED : JANUARY 27, 2004

EXAMINER : GRILES, B.

FOR : LIVE WELL OXYGENATOR

Mail Stop: PETITION
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

Sir:

This is responsive to the decision mailed June 12, 2006, on Applicant's petition under 37 CFR § 1.137(b) filed December 6, 2005. The initial period set for replying to this decision expired on August 12, 2006. Submitted with the present response is a Petition for the Extension of Time for ONE (1) month, thereby increasing the time for responding to the outstanding decision to September 12, 2006.

The petition under 37 CFR § 1.137(b) filed December 6, 2005 was **DISMISSED** because Petitioner "made neither a statement nor showing of unintentional delay-and appeared to use the former one-year time limit on petitions to revive as an unpaid extension of time."



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The previous petition stated that: "The entire delay in filing the required response from the due date for the required reply until the filing of the present petition was unintentional." Petitioner respectfully submits that this statement of unintentional delay is consistent with the language requirement of 37 CFR 1.137(b)(3).

With regard to the statement made in the previous petition that the petition is being filed within one year of the date of abandonment, it was never the intent of the Petitioner to use this former one-year time limit "as an unpaid extension of time" as asserted in the decision on petition. Submitted with this paper is a new PETITION UNDER 37 CFR 1,137(b) which omits this statement. Also submitted with this paper is an AMENDMENT in response to the Office Action of September 3, 2004, which is identical to the amendment submitted with the previous petition.

Accordingly, Petitioner respectfully submits that the previous petition was in compliance with the specific requirements of 37 CFR 1.137(b), and it is respectfully requested that this renewed petition under 37 CFR 1.137(b) be granted.

Respectfully submitted,

Date 09/11/2006

A handwritten signature in black ink, appearing to read "Dolph H. Torrence".

Dolph H. Torrence
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**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely reply to the Office Action mailed September 3, 2004. The initial expiration date of the period set for responding to this Office Action was December 3, 2004.

Applicant hereby petitions for revival of this application. The entire delay in filing the required reply from the due date for the reply until the filing of the present petition was unintentional.

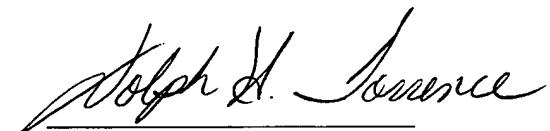
An amendment in response to the Office Action is filed herewith.

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Any fees pertaining to this matter may be charged to Deposit Account No. 12-1662 of the undersigned.

Respectfully submitted,



Dolph H. Torrence
Registration No. 34,501
(703) 486-1000